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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/062,714 | 04/20/1998 | NEIL S. ROTHMAN | 212/219 | 3372 |

23371 7590 04/15/2004

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EXAMINER

DEMILLE, DANTON D

ART UNIT PAPER NUMBER

3764

DATE MAILED: 04/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/062,714

Applicant(s)

ROTHMAN ET AL.

Examiner

Danton DeMille

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8 and 12-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 6, 7, 12, 13, 21-25, 27, 28 and 30 is/are rejected.
- 7) ☒ Claim(s) 8, 14, 26 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6, 12, 21-24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Newman et al.

Newman teaches a vest or belt 12 composed of two sheets of material 30, 32 bonded together to form a belt of material whose width is greater than the circumference of the body and is intended to cover the chest of the patient that would comprehend the entire length of the sternum. The belt 12 includes a bladder comprised of a bottom-chest panel 32 composed of an inextensible material adapted to cover substantially the entire portion of the anterior surface of the chest. A top-belt panel 30 composed of inextensible material sealed to the bottom-chest panel for form a gas tight bladder, column 7, lines 51-62.

Broadly, the vest 12 is a belt sized to circumferentially fit around the chest of the patient as claimed and includes an integrally attached bladder 18 comprised of top and bottom panels of inextensible material. The top and bottom panels form a radially extensible bellows to any extent applicant's bladder forms a radially extensible bellows. It would appear the Newman belt 12 comprehends the invention as claimed. There are no structural limitations that would define over Newman.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 13, 25, 27, 28, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al. in view of Sandman and Martin.


Newman appears silent with regard to the exact material used for the bladder because such is well within the realm of the artisan of ordinary skill. Sandman teaches inflatable bladders made of nylon coated with polyurethane. While Sandman teaches coating only one surface thereof there appears to be no unobviousness to coat both sides if necessary. Coating both sides would increase the impermeability of the fabric. Martin additionally teaches inflatable structures using nylon coated on both sides with polyurethane. It would have been obvious to one of ordinary skill in the art to modify Newman to use a nylon material coated with polyurethane as taught by Sandman on both sides of the nylon material as additionally taught by Martin to increase the impermeability of the inflatable structure.

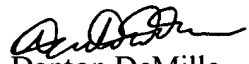
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Allowable Subject Matter

Claims 8, 14, 26 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15-20 are allowable over prior art to which the examiner is aware.

ddd
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Art Unit 3764